



SO ORDERED.

SIGNED this 28 day of April, 2017.

Stephani W. Humrickhouse

Stephani W. Humrickhouse
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

IN RE:

CASE NO:

JOYCE ANN FRINK

16-00093-5-SWH

DEBTOR

CHAPTER 7

ALGERNON L. BUTLER, III, Chapter 7
Trustee in Bankruptcy for Joyce Ann Frink,

Plaintiff,

vs.

JOYCE ANN FRINK,

Defendant.

ADVERSARY PROCEEDING NO.:

17-00025-5-SWH

CONSENT ORDER REVOKING DISCHARGE OF JOYCE ANN FRINK
AND DISMISSING ADVERSARY PROCEEDING

The Parties have entered into an agreement to resolve this adversary proceeding by requesting the revocation of the Debtor's discharge in this case pursuant to 11 U.S.C. § 727(d), and have embodied their agreement in this Consent Order. In support hereof, the Parties show unto the Court as follows, and the Court makes the following findings of fact and conclusions of law:

1. On January 7, 2016 (the "Petition Date"), Joyce Ann Frink (the "Debtor" and/or the "Defendant") filed a petition for relief under Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code") in the Eastern District of North Carolina, Case No. 16-00093-5-SWH (the "Bankruptcy Case").

J.F

2. Algernon L. Butler, III (the "Trustee" and/or the "Plaintiff" and collectively with the Defendant, the "Parties") has been duly appointed and is serving as the Chapter 7 Trustee in the Debtor's Bankruptcy Case.

3. On April 6, 2016, the Court entered in the Bankruptcy Case the order of discharge of the Debtor.

4. On April 7, 2016, the Court entered the final decree in and thereby closing the Bankruptcy Case.

5. On December 1, 2016, the Court entered an order reopening the Bankruptcy Case and reinstating the Trustee.

6. On March 28, 2017, the Trustee filed this adversary proceeding seeking the revocation of the Defendant's discharge pursuant to 11 U.S.C. § 727(d)(1) and (d)(2). The Complaint alleged that the Defendant obtained her discharge by fraud by making false oaths on her schedules, statement of financial affairs, in the questionnaire she signed under penalty of perjury and delivered the Chapter 7 Trustee at the § 341 meeting, and in her sworn testimony at the § 341 meeting. The Complaint also alleged that the Defendant acquired property that is property of the estate, or became entitled to acquire property that would be property of the estate, and knowingly and fraudulently failed to report the acquisition of or entitlement to such property to the Chapter 7 Trustee.

7. The Parties desire to resolve this adversary proceeding without the expense, delay and risks of further litigation.

8. The Defendant voluntarily consents to the revocation of her discharge pursuant to 11 U.S.C. § 727(d). The revocation of discharge bars, in this Bankruptcy Case or in any subsequent case filed under any chapter of the Bankruptcy Code, the discharge of all debts the Defendant incurred prior to filing the bankruptcy petition in this case.

9. In consideration of this stipulation and agreement, this adversary proceeding should be dismissed by the Court without further proceedings.

10. The Debtor Joyce Ann Frink has read and understands this Consent Order, has been represented and advised by the undersigned counsel as to the meaning and consequences of the revocation of her discharge and understands and accepts such consequences, and voluntarily agrees to the revocation of her discharge in this Bankruptcy Case.

The Court finding the foregoing agreement to be reasonable and proper, IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The discharge of the Debtor and Defendant Joyce Ann Frink is REVOKED.


2. The debts of the Debtor and Defendant Joyce Ann Frink that were incurred prior to the filing of the Debtor's bankruptcy petition on January 7, 2016 shall not be discharged in this Bankruptcy Case or in any subsequent case filed under any chapter of the Bankruptcy Code.


3. This adversary proceeding is DISMISSED.

4. This Consent Order also shall be docketed in the Chapter 7 Bankruptcy Case of Joyce Ann Frink, Case No. 16-00093-5-SWH.

J.F.

IN CONSENT:

s/Algernon L. Butler, III 
Algernon L. Butler, III, Esq.
Attorney for the Chapter 7 Trustee

s/Terry B. Richardson 
Terry B. Richardson, Esq.
Attorney for the Defendant Joyce Ann Frink

I, Joyce Ann Frink, have read and understand this Consent Order Revoking Discharge of Joyce Ann Frink and Dismissing Adversary Proceeding. I have been represented and advised by the counsel stated above as to the meaning and consequences of the revocation of my discharge and understand and accept such consequences, and I voluntarily agree to the revocation of my discharge in this Bankruptcy Case.

Dated: 4-27-2017

Joyce Ann Frink
Joyce Ann Frink
Defendant / Debtor

"END OF DOCUMENT"

J.F.